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24 **UNITED STATES DISTRICT COURT**

25 **NORTHERN DISTRICT OF CALIFORNIA -- SAN FRANCISCO DIVISION**

26 **MARCIANO PLATA, et al.,**

27 **Plaintiffs,**

28 **v.**

29 **ARNOLD SCHWARZENEGGER, et al.,**

30 **Defendants.**

No. C01-1351 TEH

CLASS ACTION

**DECLARATION OF DEBORAH  
HYSEN IN SUPPORT OF  
DEFENDANTS' REPORT IN  
RESPONSE TO THE COURT'S  
FEBRUARY 15, 2007 ORDER**

31 I, Deborah Hysen, declare as follows:

32 1. I am currently the lead member of the Facilities Construction Strike Team, which  
33 was established by Governor Schwarzenegger on May 11, 2007. This Declaration is submitted in

1 support of Defendants' Report in Response to the Court's February 15, 2007 Order. Unless  
2 otherwise indicated, I am competent to testify to the matters set forth in this declaration, and if  
3 called upon to do so, I would and could so testify.

4 2. The Facilities Construction Strike Team was created in response to Assembly Bill  
5 900 (AB 900). AB 900, otherwise known as the Public Safety and Offender Rehabilitation  
6 Services Act, provides a historic opportunity for the California Department of Corrections and  
7 Rehabilitation (CDCR) to fundamentally alter its practices and methodologies for the  
8 incarceration, development, treatment, and parole of its inmates.

9 3. As the appointed leader of the Facilities Construction Strike Team, it will be my  
10 primary responsibility to develop a complete set of strategies to meet all of the complex real  
11 estate requirements of AB 900. I have spent over twenty years in both the private and public  
12 sector arena managing the entire spectrum of real estate services. As the former Assistant Deputy  
13 and later Acting Deputy of Real Estate for the Department of General Services (DGS), I was  
14 responsible for the day-to-day operations of over 20,000,000 square feet of state-owned and/or  
15 leased property located throughout California; supervision of over 2,000 employees; and  
16 management oversight, policy recommendations, and fiduciary control over an annualized capital  
17 outlay workload of \$5 billion. Later, acting in the capacity of DGS's Chief Deputy Director, I  
18 oversaw and guided the activities of the Division of the State Architect, the Office of Public  
19 School Construction, and the radio network infrastructure for the State's Telecommunications  
20 Division. My real estate expertise as it pertains to the objectives of AB 900 include coordinating  
21 new construction, managing renovations involving major and minor capital outlays, supervising  
22 planning and programming, overseeing operations and maintenance, conducting feasibility  
23 analyses, participating in lease negotiations and land acquisition, assisting in bond document  
24 preparation, drafting various regulations and legislation, and managing community involvement.

25 4. AB 900 envisions an innovative program of construction, fully funded by lease-  
26 revenue bonds, which is a traditional and proven method of funding such endeavors. CDCR, in  
27 anticipation of the enactment of this law, had identified construction sites, drawn plans for the in-  
28

1 fill beds (beds located at existing prisons), and began working with counties to site the re-entry  
2 and jail beds.

3 5. The Facilities Construction Strike Team includes experts in public facility  
4 construction, correctional facility planning and construction management, correctional facility  
5 financing, inmate and staff security and programming. The Facilities Construction Strike Team  
6 will restore CDCR's major project management capability and will work to expedite the  
7 construction of the in-fill, re-entry, medical/mental health, and county jail beds authorized by AB  
8 900.

9 6. The in-fill, re-entry, medical/mental health beds will be constructed in two phases.  
10 Phase I of AB 900 provides for 7,484 in-fill beds at existing enumerated prisons, plus an  
11 additional 4,516 in-fill beds once site assessments have been done for other facilities, for a total  
12 of 12,000 Phase I in-fill beds. Phase I also provides for 6,000 re-entry beds and 6,000  
13 medical/mental health beds. The construction of all Phase I beds will total 24,000 beds. Phase II  
14 of AB 900 provides for an additional 4,000 in-fill beds; 2,000 medical/mental health beds; and  
15 10,000 re-entry beds. The construction of all Phase II beds will total 16,000 beds.

16 7. In-fill beds will provide additional capacity at existing prisons in a way that  
17 ensures proper facilities, support, and services. The in-fill beds contemplated by AB 900 will be  
18 constructed with the goal to fully integrate rehabilitative programs into the new facilities. The  
19 12,000 Phase I in-fill beds will be completed in 2009.

20 8. AB 900 also provides for the creation of re-entry beds, which are beds in small,  
21 secured facilities (500 inmates maximum per facility), that are operated by CDCR but are  
22 geographically closer to communities and are focused on providing rehabilitation services and  
23 preparing inmates for re-entry into society. The Facilities Construction Strike Team will expedite  
24 construction to provide 6,000 Phase I re-entry beds.

25 9. AB 900 also provides for the creation of a total of 8,000 medical and mental health  
26 beds. The Facilities Construction Strike Team will work cooperatively and collaboratively with  
27 the *Plata* Receiver and give these beds a high priority.  
28

1           10.     The Facilities Construction Strike Team will meet with CDCR executives weekly  
2 and aggressively create and implement the capacity to manage the design, construction, and  
3 opening of these beds, on schedule. Moreover, expediting construction will include waiving state  
4 laws, as needed, pursuant to the Governor's Emergency Proclamation.

5           11.     The Facilities Construction Management Team is specifically responsible for:

- 6                 • Creating an action plan to ensure compliance with the Phase I requirements of  
7 AB 900, as enumerated in California Penal Code Section 7021a;
- 8                 • Evaluating all alternative construction methods for construction of reentry  
9 facilities and in-fill capacity within the prisons, as well as rehabilitation  
10 program space and appropriate renovations of existing facilities;
- 11                • Exploring and identifying any options for housing inmates in existing facilities  
12 within the state before inmates are transferred out-of-state;
- 13                • Developing fast-track methodology and cost-containments for proposed  
14 construction. The fast-track methodology must account for constructing or  
15 establishing the 12,000 beds designated as the Phase I requirements in  
16 California Penal Code Section 7021a 1-4;
- 17                • Evaluating regulatory impediments to construction and whether waiver of  
18 regulations benefits the State;
- 19                • Addressing local mitigation issues for communities that are impacted by  
20 current prison facilities;
- 21                • Work with local governments to ensure the most efficient and effective use of  
22 jail construction funds, and in siting and building re-entry facilities; and
- 23                • Developing expenditure priorities for \$300 million in capital outlay funds as  
24 authorized in AB 900, Section 28a.

25     ////

26     ////

27     ////

28     ////

1           12. I know, as an expert in the field, that when the Facilities Construction Strike Team  
2 implements these policies, this will create sufficient capacity to readily construct the 53,000 beds,  
3 including capacity to eliminate the 18,000+ non-traditional beds currently utilized by CDCR.  
4

5           I declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct. Executed at Sacramento, California, on May 16, 2007.

7  
8   
9 DEBORAH HYSEN

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **MARCIANO PLATA, et al. v. ARNOLD SCHWARZENEGGER, et al.**

No.: **C 01-1351 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **May 16, 2007**, I served the attached

**DECLARATION OF DEBORAH HYSEN IN SUPPORT OF DEFENDANTS' REPORT  
IN RESPONSE TO THE COURT'S FEBRUARY 15, 2007 ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **May 16, 2007**, at San Francisco, California.

\_\_\_\_\_  
J. Tucay  
Declarant

\_\_\_\_\_  
*J. Tucay*  
Signature